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U.S. Department of Justice

*United States Attorney's Office
Middle District of Pennsylvania*

Federal Building, Suite 220

P.O. Box 11754

228 Walnut Street

Harrisburg, Pennsylvania 17108-1754

717-221-4482

FAX 717-221-4582

January 4, 2002

The Honorable Sylvia H. Rambo
Federal Building
Third & Walnut Streets
Harrisburg, PA 17108

**FILED
HARRISBURG**

JAN 08 2002

MARY E. D'ANDREA, CLERK
Per MA
DEPUTY CLERK

Re: Paul Roberson v. INS
1:CV-01-1235

Dear Judge Rambo:

Paul Roberson is presently detained by the INS. Pursuant to the filing of a habeas corpus petition and timely response, the Honorable Court ordered a review of Mr. Roberson's detention in accordance with the guidelines set forth in Ngo v. INS, 192 F.3d 390 (3d Cir. 1999). Pursuant to that Order, a custody review was conducted. Please find attached the findings of that review.

Very truly yours,

MARTIN C. CARLSON
United States Attorney

Mark E. Morrison
Assistant U.S. Attorney

MEM:nb

DEC-17-2001 14:56

INS DISTRICT COUNSEL

215 656 7148 P.02/08

POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW AND/OR INTERVIEW

Detainee Name: PAUL, Roberson**"A" Number:** A41 583 833**Date of Birth:** September 9, 1977**BOP Number:** N/A**AKA'S:****Country of Birth:** Haiti**Citizenship:** Haiti**Date of Arrival:** April 18, 1988**Place of Arrival:** New York, NY**Manner of Arrival:** Lawful Permanent Resident**Last Date into INS Custody:** May 26, 2000**Entered INS Custody from:** Local, State, or Federal Institution Other :**Location:** TANGILA**Institution Number:**

Immigration History: Subject was granted the withholding of his removal from the United States by the Immigration Judge on 12/21/2000. The Immigration and Naturalization appealed this decision. On August 16, 2001 the BIA sustain the appeal by the INS. However, the BIA determined that the subject was entitled to a deferral of his removal from the United States.

Deportation Officer: David Singh**Date of Review:** Nov. 17, 2001**Location Detained:** Tangila**Deportation/Exclusion/Removal Proceedings**

List All Charges:

Section 237(a) (2)(A)(iii)
 Section 212(a)
 Section 241(a)

 Under Final Order dated August 16, 2001by: IJ BIA Other Appeal Waived/Appeal Time Elapsed

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INS DISTRICT COUNSEL

215 656 7148 P.03/08

Travel Document Status/History:

In August of 2001, a request for assistance in the issuance of a travel document by the Haitian government was made to the American Embassy in Haiti. No response by the American Embassy in regards to issuance of a travel document as of this date.

why? if CAT is granted.

Legal Representative / Attorney

G-28 Filed: Yes No

Notification of Interview Made: Yes N/A By: on

Name of Representative/Attorney: Pro Se

Mailing Address:

Telephone Number:

Present During Interview: Yes No- Not applicable

Criminal History

Outside the United States:

In the United States: *History of Convictions*

Date	Location	Crime	Sentence
7/27/98	NYC	Petit Larceny	10 days, Prob 3 yrs. Resentence after violation of probation to 90 days on 12/10/98.
8/23/99	NYC	Aslt w/int cause serious physical injury	2 years. Order or protection issued. <i>Nine months longer he is in IWS court</i>

NCIC Checks:

Criminal History
(State and Federal)

No record Found

FBI# 988009FB4

SID #'s NY8834844Q

Summary of NCIC Checks:

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INS DISTRICT COUNSEL

215 656 7148 P.04/08

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports? Yes No

If Yes, List & Describe: None provided for this review....

Disciplinary reports and Incidents while in INS Custody? Yes No

If Yes, List & Describe: None provided for this review..

Specifics of Interview

Date of File Review: November 17, 2001

Date of Detainee Interview: File review only.

Location of Interview:

Interviewing
Officer:#1:

#2:

Interpreter Used: Yes No Name:

Language/Dialect:

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INS DISTRICT OFFICE

215-656-7148 P.05/08

Does the detainee have a place to live in the United States? Yes No

Address: No current address provided for this review...

Is the detainee subject to any parole or probation requirements? Yes No

Describe: Subject has to report to the NYS Division of Parole...

Does the detainee have close family ties within the United States? Yes No

Describe: The record indicates the subject has a father who is a LPR.

Does the detainee have any community ties or non-governmental sponsors? Yes No

Describe: The record does not indicate any community ties....

Does the detainee have any employment prospects? Yes No

Describe: No employment prospects provided for this review.

What is the detainee's employment history?

Describe: No record of subject's employment history.

What is the detainee's educational level?

Describe: No record of subject's educational background...

Does the detainee have any vocational training? Yes No

Describe: No record of subject having vocational training...

Medical/Psychological Concerns

Medical/Psychological Report / Summary: In File None Not Available

Date and Source:

Summary:

Other documentary evidence for consideration in this review:

-Documentation already provided in the subject's a-file.

Discussion at Interview

Notes: File review only.

DEC-17-2001 14:57

INS DISTRICT COUNSEL

215-656-7148 P.06/08

The INS detainee was found

 CREDIBLE NOT CREDIBLE

Explain: N/A

Officer Comments/Analysis & Recommendation

Although the subject was granted a deferment of his removal from the United States, there is no indication on file that he would not pose a threat to society if released. In their appeal to the BIA, the trial attorney on the case stated the follow- "The Immigration Judge erred as a matter of fact in failing to find the respondent's Assault in the Second Degree conviction to be a particularly serious crime. The conviction arose out of a robbery attempt, where the respondent and four other individuals chased and attacked a male victim by striking him over the head with a can and stabbing in the back. The victim suffered a puncture wound one inch from his right lung, broken ribs and a laceration to his head." Although the record indicates that the subject may not have physically committed the stabbing, his conviction is still of a serious violent nature.

It is this writer's opinion that the subject should remain in custody and be transferred to a Bureau of Prisons facility which offers courses in anger management and/or life management skills. Until the subject provides a clear demonstration that he would not pose a threat to society, his continued detention is recommended.

David Singh

Reviewing Officer #

Nov 17, 2001 RELEASE

DETAIN

Date

Reviewed By:

11/20/2001 RELEASE

DETAIN

Date

DISTRICT DIRECTOR'S CUSTODY DETERMINATION RELEASE FROM CUSTODY / ORDER OF SUPERVISION RELEASE FROM CUSTODY / ORDER OF SUPERVISION UNDER BOND

Bond Amount:

 CONTINUE IN CUSTODY / TRANSFER CUSTODY AUTHORITY TO HQ, DRO

Comments (attach additional sheet(s) if necessary):

INS District Office: New OrleansSignature of ADD / D&R C. B. JohnsonDate 11-28-01

12/03/01 12:02 FAX 504 388 2081

4th DISTRICT COUNSEL
U.S. DEPARTMENT OF JUSTICE

215 656 7148 P.07/08



**U.S. Department of Justice
Immigration and Naturalization Service**

701 Loyola Avenue, Room T-8011
New Orleans, Louisiana 70113

Roberson PAUL
C/O Tangipahoa Parish Jail
Federal Division
P.O. Box 250
Amite, LA 70422

A41 583 833

**Decision to Continue Detention
Following 90-Day Custody Review**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of the Immigration and Naturalization Service (INS). This decision has been made based on a review of your file and consideration of the information submitted to INS' reviewing officials in support of your application for release.

After carefully weighing the factors pertaining to your case, you will not be released from the custody of the INS because you have failed to rebut the presumption that you are a threat to society. There is insufficient positive information in your file to counter your violent criminal history.

Upon careful consideration of the above factors, the Service has determined that you are not suitable for release at this time. You are invited to submit any evidence for consideration during your next review.

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INS. DISTRICT COUNSEL

215-656-7148 P.00/00

Decision to Continue Detention Following Interview

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Roberson PAUL

A41 583 833

In accordance with 8 CFR 241.4, all further determinations of your custody status will be made by the Executive Associate Commissioner, acting through the Headquarters Post-order Detention Unit (HQPDU). All inquiries regarding your present custodial status, as well as any claim that you cannot be removed to your country, should be directed to the following address:

Headquarters Detention and Removal Operations
801 I Street, NW - Suite 800
Washington, DC 20536

Understand that no claim to non-removability will be considered until you have made a complete application in good faith for a travel document to your country.

Craig S. Robinson
Craig S. Robinson ADD D&R NOL
Signature of District Director/Designated Representative

12/3/01

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(b) I certify that I served the custodian David Smith Name of Official
Head of INS Detainees at Tangipahoa Parish Jail, on
Title Institution
12/3/01 with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I, Name of INS Officer, Title certify
that I served and the custodian Name of detainee Name of Official
with a copy of this document by certified mail at on date.

CC: Attorney of Record or Designated Representative
 CC: A-File